

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HARRY T. COLLINS,

Plaintiff

v.

LINDA HUNTER, WARDEN RAPHAEL
WILLIAMS and CORRECTIONAL MEDICAL
SYSTEMS,

Defendants

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Civ No.: 05-624-SLR

JURY OF 12 DEMANDED

**RESPONSE OF DEFENDANT, CORRECTIONAL MEDICAL SERVICES, INC., IN
OPPOSITION TO PLAINTIFF'S MOTION FOR INJUNCTIVE RELIEF AND CROSS-
MOTION OF DEFENDANT, CORRECTIONAL MEDICAL SERVICES, INC., TO DISMISS
PLAINTIFF'S COMPLAINT**

COMES NOW Correctional Medical Services, Inc., incorrectly named Correctional Medical Systems, ("Defendant"), by and through its undersigned counsel, and respectfully moves this Honorable Court to enter an Order denying Plaintiff's Motion for Injunctive Relief and dismissing Plaintiff's Complaint, pursuant to Federal Rules of Civil Procedure 12(b)(6), for failure to state a claim upon which relief can be granted. In support of this Motion, Defendant offers the Memorandum of Points and Authorities filed simultaneously herewith.

MARSHALL, DENNEHEY, WARNER,
COLEMAN AND GOGGIN

BY: /s/ Kevin J. Connors
KEVIN J. CONNORS, ESQUIRE, (DE ID # 2135)
1220 N. Market Street, 5th Floor
P.O. Box 130
Wilmington, DE 19899-0130
(302) 552-4302
Attorney for Defendant, Correctional Medical Services,
Inc.

DATED: August 18, 2006

CERTIFICATION OF SERVICE

I hereby certify that on this date I electronically filed the Motion of Defendant, Correctional Medical Services, Inc., to Dismiss Plaintiff's Complaint with the Clerk of Court using CM/ECF, which will send notification of such filing to the following:

Lisa Ann Barchi, Esquire
Department of Justice
820 N. French Street, 6th Floor
Wilmington, DE 19801

I hereby certify that on this date I have mailed by United States Postal Service, the Motion of Defendant, Correctional Medical Services, Inc., to Dismiss Plaintiff's Complaint to the following non-registered participant:

Harry T. Collins
SBI# 156625
Sussex Community Correction Center
23207 Dupont Road
Georgetown, DE 19947

MARSHALL, DENNEHEY, WARNER,
COLEMAN AND GOGGIN

BY: /s/ Kevin J. Connors
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P.O. Box 130
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Attorney for Defendant

DATED: August 18, 2006